



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.19257 of 2020

S.Ganesan

... Petitioner

Vs.

1.The Tahsildar,
Dindigul Taluk,
Dindigul District.

2.The Taluk Surveyor,
O/o. the Tahsildar,
Dindigul Taluk,
Dindigul District.

3.V.Dhanalakshmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to survey the petitioner's patta land situated in New Survey Nos.359/3B3, 3651B1A, 365/7, 365/9 to an extent of 3 acres 63 cents at Seelapadi Village, Dindigul Taluk, Dindigul District and fix the boundary stones in the light of the guidelines issued in the case of Asaithambi vs. The Revenue Divisional Officer in W.P.(MD).No.13465 of 2020 dated 05.10.2020 within the stipulated time prescribed by this Court.

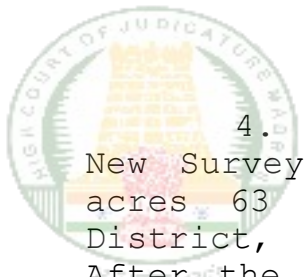
For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1 and 2	: Mr.M.Pandiya Rajan
	Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the second respondent to survey the petitioner's patta land situated in New Survey Nos.359/3B3, 3651B1A, 365/7, 365/9 to an extent of 3 acres 63 cents at Seelapadi Village, Dindigul Taluk, Dindigul District and fix the boundary stones in the light of the guidelines issued in the case of Asaithambi vs. The Revenue Divisional Officer in W.P.(MD).No.13465 of 2020 dated 05.10.2020 within the stipulated time prescribed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.M.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.



4. According to the petitioner, the property comprised in New Survey Nos.359/3B3, 3651B1A, 365/7, 365/9 to an extent of 3 acres 63 cents at Seelapadi Village, Dindigul Taluk, Dindigul District, is the ancestral property of the petitioner's family. After the demise of the petitioner's parents, necessary mutations were carried out in the name of the legal heirs and patta was issued in favour of the legal heirs, namely, the petitioner and his two sisters, Rathiswari and Nagalakshmi in Patta No.9219. At this juncture, the third respondent, who is the neighbour had put up compound wall in the petitioner's land. Hence, in order to fix the four boundaries, the petitioner approached the respondents to survey the property and in this regard, the petitioner made a representation to the respondents on 21.10.2019. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. Mr.M.Pandiya Rajan, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner if the petitioner approaches the respondents with all necessary documents, his representation may be considered.

6. This Court, without going into the merits of the case, directs the second respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as the third respondent and the interested parties or the persons, who are likely to be affected. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed. In case any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the order of this Court any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. Only exception is if an interim order operates against the authorities.

7. If the persons like the present petitioner, who are seeking to survey the land do not disclose the other persons, who are interested, they must file an affidavit that there are no third parties involved in the issue concerned and also there are no interested parties. In case, at a later point of time if the fact came to light that there is any interested parties, the decision taken by the authority in favour of the petitioner will stand



automatically cancelled. Further, the averments made in the affidavit shall be reflected in their order so that the officer will not face any problem at a later point of time. More over, for filing a false affidavit, if appropriate action is taken, the person concerned will have to face imprisonment rather than fine.

WEB COPY

8. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tahsildar,
Dindigul Taluk,
Dindigul District.

2.The Taluk Surveyor,
O/o. the Tahsildar,
Dindigul Taluk,
Dindigul District.

+1CC to Mr.T.Lajapathi Roy,Advocate,SR.No.27299 dated 28/12/2020

+1CC to M/s.SPL GP,SR.No.27239 dated 28/12/2020

W.P. (MD)No.19257 of 2020
23.12.2020

NS (CO)
KB(19.01.2021) 3P 5C